

REMARKS

The amendments proposed above should be entered pursuant to 37 CFR 1.116(b) as canceling rejected claims and complying with matters of form indicated by the Examiner. In particular, the Examiner indicated Claims 5-10 and 15-19 as objected to but allowable if properly rewritten so as not to depend from a rejected base claim. After entry of the amendments proposed above, all pending claims will include all of the limitations of at least one of the allowable claims, including those of the base claim and any intervening claim. Accordingly, the amendment should be entered. The remarks below presume the amendment has been entered.

Prior to the amendment set forth above, Claims 1-31 were pending, including five independent Claims 1, 24 and 29-31. After entry of the amendment set forth above, Claims 1-4, 6-11 and 14-23 are pending, including three independent Claims 1, 15 and 19.

All limitations of allowable Claim 5 are incorporated into Claim 1 as presently amended, and Claim 5 is hereby canceled. Allowable Claims 15 and 19 are each rewritten in independent form, including all of the limitations of base Claim 1 and all intervening claims (Claims 12 and 13). The limitations of Claims 12 and 13 have been incorporated into the preambles of Claims 15 and 19 (as presently amended) to provide proper terminology antecedence. (Also in these preambles, "[A] transmitter having a plurality of antennae and a receiver" replaces the original language of Claim 1 without substantive change, merely to more gracefully accommodate incorporation of the limitations of Claims 12 and 13.) Thus, Claims 1, 15 and 19, amended as indicated herein, are all properly allowable in accordance with the Examiner's requirements.

Original Claims 2-4, 11 and 21 properly depend from Claim 1. Claims 20 and 22-23, as previously presented, also properly depend from Claim 1. Allowable Claims 6 and 8 are amended herein to depend from Claim 1, while allowable Claims 7, 9 and 10 are original, and depend from Claim 6. Thus, all of Claims 2-4, 6-10, and 20-23, as pending after entry of the amendment herein, properly depend from Claim 1 and thus include all of the limitations of allowable Claim 5.

Claim 14, as amended herein, now properly depends from allowable Claim 15. Allowable Claims 16-18 are original, and depend from Claim 15. Allowable Claim 19 stands alone. Thus, all of Claims 1-4, 6-11, and 14-23 are properly allowable in accordance with the subject matter indicated as allowable by the Examiner. The amendment set forth above also cancels Claims 5, 12-13 and 24-31 without prejudice to further prosecution on the merits. Thus, the amendment set forth above should be entered pursuant to, and complying with, 37 CFR 1.116 because it will place every claim into condition for allowance in accordance with the allowable subject matter indicated by the Examiner.

VIA-017-CIP
Appln. No. 10/076,925

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Response to Final Office Action of November 28, 2005

Rejections

The Examiner rejects Claims 1-2, 4, 11-14, and 20-31 as anticipated by Gerlach, and Claim 3 as obvious over Gerlach in view of Harrison. The amendment set forth herein obviates these grounds for rejection. Claims 1-4, 11, 14, and 20-23 have been amended to depend from an allowable claim. Claims 12-13 and 24-31 have been canceled. All amendments and cancellations have been in cooperation with the Examiner to obtain immediate allowance, and are made without prejudice to the right of the Applicant to later argue for the patentability of any claim as originally filed and/or previously presented.

Conclusion

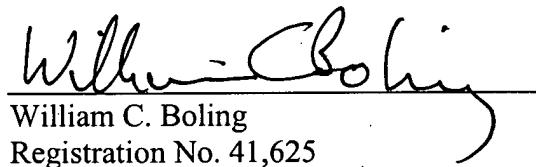
The amendment set forth herein is believed to place the application into condition for immediate allowance in accordance with the subject matter deemed allowable by the Examiner. As such, entry of this amendment and prompt allowance of all pending claims is respectfully requested.

The Commissioner is authorized to construe this paper as including a petition to extend the period for response by the number of months necessary to make this paper timely filed. Fees or deficiencies required to cause the response to be complete and timely filed may be charged, and any overpayments should be credited, to our Deposit Account No. **50-0490**.

Respectfully submitted,

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